

## Message Text

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ACTION L-03

INFO OCT-01 IO-13 ISO-00 PM-04 DHA-02 ACDA-07 OIC-02  
CIAE-00 H-01 INR-07 NSAE-00 NSC-05 PA-01 PRS-01  
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TO SECSTATE WASHDC PRIORITY 7548  
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DOD ALSO PASS TO AF/JA, NAVY JAG, DAJA-IA, DCPA

EO 11652: NA  
TAGS: ICRC, PARM, PFOR  
SUBJ: DIPLOMATIC CONFERENCE ON INTERNATIONAL HUMANITARIAN LAW-  
WEEKLY REPORT MAY 16 - 20, 1977

SUMMARY: MAIN CONFERENCE COMMITTEES HAVE COMPLETED  
WORK. DRAFTING COMMITTEE IS BEHIND SCHEDULE; HOWEVER,  
FINAL PLENARY MEETINGS WILL BEGIN AFTERNOON OF MAY 23.  
INITIATIVE HAS BEEN TAKEN TO COORDINATE AGREEMENT AMONG  
NATO COUNTRIES CONCERNING UNDERSTANDINGS REGARDING CER-  
TAIN ARTICLES. END SUMMARY

1. COMMITTEE I HAS COMPLETED SUBSTANTIVE WORK. :9..85-  
TEE ADOPTED PREAMBLES TO BOTH PROTOCOLS AND 19 FINAL  
ARTICLES (ARTICLES 80-84, 86-90, PROTOCOL I; ARTICLES  
40-47, PROTOCOL II). US PROPOSAL TO DELETE ARTICLE 85  
(RESERVATIONS), WHICH CONTAINED UNDESIRABLE LIST OF  
NON-RESERVABLE ARTICLES, WAS ADOPTED. VOTE WAS 47 IN  
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FAVOR, 34 AGAINST, AND 4 ABSTENTIONS. ARTICLE 86 BIS  
(WAPONS REVIEW COMMITTEE) ADOPTED N COMMITTEE BY A  
VOTE OF 50 IN FAVOR, 27 AGAINST (US), AND 14 ABSTENTIONS.  
PROVISION ON REPRISALS IN PROTOCOL II (ARTICLE 10 BIS)  
ADOPTED. ISRAELI PROPOSAL (ARTICLE 21BIS) TO RECOGNIZE  
RED SHIELD OF DAVID AS A DISTINCTIVE EMBLEM WAS WITH-  
DRAWN BY ISRAEL FROM COMMITTEE I AGENDA, WITH ISRAEL

RESERVING THE RIGHT TO PRESENT THE PROPOSAL IN THE CONFERENCE PLENARY. PHILIPPINE PROPOSAL TO MAKE USE OF ANY PROHIBITED WEAPON A GRAVE BREACH ALSO WITHDRAW, WITH SPONSOR RESERVING RIGHT TO PRESENT THE MATTER AT A LATER TIME. EASTERN BLOC PROPOSAL THAT WOULD DEPRIVE CONVICTED WAR CRIMINALS OF PRISONER OF WAR STATUS WITHDRAWN WITHOUT QUALIFICATION.

22. COMMITTEE II COMPLETED ALL WORK DURING NIGHT SESSION ON 13 MAY. MINOR AMENDMENTS TO TEXTS PREVIOUSLY ADOPTED BY THE COMMITTEE WERE ACCEPTED BY CONSENSUS. ALL ARE CONSISTENT WITH US POSITION AND MOST WERE PROPOSED BY US. COMMITTEE REPORT WAS ADOPTED ON 20 MAY.

3. DRAFTING COMMITTEE WORKED WITH UNUSUAL EFFICIENCY WHILE ITS COMMITTEE I MEMBERS WERE TIED UP IN COMMITTEE I SESSION. ALL COMMITTEE II AND III ARTICLES WERE ADOPTED WITH MINOR REVISION. SESSIONS TO REVIEW REMAINING COMMITTEE I ARTICLES ARE SCHEDULED FOR SATURDAY. ANTICIPATE SLOW GOING AS COMMITTEE I MEMBERS WILL BE PRESENT IN FORCE.

4. WORKING GROUP OF AD HOC COMMITTEE COMPLETED DISCUSSION OF MINES PROPOSALS, AND CONSIDERED CANADA AND UK-SPONSORED AMENDMENT TO NETHERLANDS INCENDIARY PROPOSAL WHICH WOULD PERMIT USE OF AIR-DELIVERED NAPALM IN ENTIRE "COMBAT AREA." AMENDMENT WAS SUPPORTED BY FRG, BUT WAS CONSIDERED TOO IMPRECISE BY OTHERS (INCLUDING LIMITED OFFICIAL USE

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USSR). THERE WAS LITTLE DISCUSSION ON FOLLOW-UP/REVIEW WORK BEYOND STATEMENTS BY SOME DELEGATES (INCLUDING UK AND CANADA) THAT ADOPTION OF ARTICLE 86 BIS IN COMMITTEE I PRECLUDED FURTHER DISCUSSION OF THE SUBJECT AT THIS TIME. AD HOC COMMITTEE ADOPTED REPORT OF WORKING GROUP US REP (SCHEETZ) GAVE EXCELLENT PRESENTATION IN COMMITTEE ON SMALL-CALIBRE PROJECTILES AND FAES WHICH PLACED SWEDEN ON THE DEFENSIVE FOR A REFRESHING CHANGE. SOME DELEGATIONS EXPRESSED DISAPPOINTMENT OVER LACK OF RESULTS OF COMMITTEE WORK WHILE OTHERS FELT SOME PROGRESS HAD BEEN MADE, PARTICULARLY ON THE QUESTION OF RESTRICTION ON MINES. FINAL AD HOC COMMITTEE MEETING SCHEDULED FOR TUESDAY, MAY 24, FOR DISCUSSION AND ADOPTION OF COMMITTEE REPORT.

5. PROPOSED UNDERSTANDINGS DEVELOPED BY INNER CORE GROUP REGARDING ARTICLES 42, 45, 46, 47, 47 BIS, 50, AND 51 WERE EXPLAINED AND DISTRIBUTED TO REPRESENTATIVES

TIVES OF NATO DELEGATIONS AT A SPECIAL MEETING ON  
MAY 17. MATTER WILL BE DISCUSSED AGAIN ON MAY 23 WITH  
VIEW OF DEVELOPING AGREEMENT WITHIN ALLIANCE.

6. FINAL PLENARY MEETINGS OF THE CONFERENCE WILL BEGIN  
MONDAY AFTERNOON, MAY 23. AGENDA FOR FIRST MEETING  
WILL BE DETERMINED BY THE GENERAL COMMITTEE AND IS  
EXPECTED TO INCLUDE PROPOSALS CONCERNING PROCEDURE FOR  
ADOPTION OF DRAFT PROTOCOLS, INTRODUCTION OF REPORTS,  
ADN BEGINNING OF ADOPTION OF DRAFT PROTOCOLS. SORENSON

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## Message Attributes

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**Disposition Date:** 22 May 2009  
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**Subject:** DIPLOMATIC CONFERENCE ON INTERNATIONAL HUMANITARIAN LAW- WEEKLY REPORT MAY 16 - 20, 1977 SUMMARY: MAIN CONFERENCE COMMITTEES HAVE COMPLETED  
**TAGS:** PARM, PFOR, ICRC  
**To:** STATE  
**Type:** TE  
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**Review Markings:**  
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